

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Soshu Kirihara et al.

Application No.: 10/509,730

Confirmation No.: 9942

Filed: September 30, 2004

Art Unit: 1794

For: THREE DIMENSIONAL PERIODIC
STRUCTURE AND METHOD OF
PRODUCING THE SAME

Examiner: G. Baldwin

RESPONSE TO NON-FINAL OFFICE ACTION

INTRODUCTORY COMMENTS

In response to the Office Action dated September 2, 2008, please amend the above-identified U.S. patent application as follows:

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.